5-63
4-7

1863

(Courts.)

Provisions of Courts 5 of 63 repealed.

File No. 5

45 of 7.

Extension of the Jurisdiction of the Bangalore Small Cause Court over the Pettah

participate in the benefits
of the Small Cause Court.
If this right is clearly esta-
blished I am of opinion that
the jurisdiction of the Court
might certainly be advantageously
extended to the Pellat.
I do not think however
that it would answer to
declare the resort to the
Court to be optional, for
the Defdt in a case
might object to its being
tried in the Small Cause
Court though the Plff
visited it & could not be
compelled to answer the
claim any more than the
Plff could be compelled to
prefer it.

B 26/4/64

1864. No 260

From

The Judicial Commissioner

To The Secretary to Government

Dated 23 April 1864

Despatched 27 April 1864

Received 25 April 1864

Enclosures, No.

No 352

Subject.

Suggesting that the Consideration of the Question of the advisability of extending the jurisdiction of the Bangalore Court of Small Causes over the Pettah.

Orders.

Con 25 to 64

I should like to have some more certain evidence of the supposed desire on the part of the Pettah people

No 3 Diary 29-4-64

No 332 Surveyors Asst Commissr's Office

Salem

C. B. Saunders Esqrs

Asst Commissioner

&

Surveyors

&c &c

Section
File No

The Secretary

to the Commissioners

of Surveys

Dated Bangalore 23rd April 1861

Sir,

I have the honor to

suggest for the consideration of

the Commissioners whether it

would not be advisable to ex-

tend the Jurisdiction of the

Bangalore Court of Small Causes

over the Pettah as well as the

Cantonment.

2 With regard to the above

proposal, I would beg to state

that

that I have taken measures
to ascertain that such an extension
sion of the Court's jurisdiction
would be generally hailed with
satisfaction, as the working of
the Court, both on account of
the efficiency and promptitude
with which it effects its main
object, viz., the easy recovery
of small debts and demands,
has already rendered it a highly
useful and popular institution.

3 I have also ascertained
from the First Judge of the
Court that if the measure should
be approved of by the Commissioners
and sanctioned, that he anti-
cipates no difficulty whatever
in carrying out the additional
work which will be thrown
upon the Judges without any

increase

increase of Establishment or additional Expense to Government, while on the other hand, the Enhanced fees of Court usaliged and Stamp Revenue which will be credited, will very considerably add to the resources of the Small Cause Court, and tend perhaps to make it in time, what it certainly is not at present, Viz. self supporting—

11 If the proposal be approved of, I would beg to recommend that the Jurisdiction of the Court should be made coterminous, as far as the Pettah and its immediate Suburbs are concerned, with that of the Bangalore District Courts, as I do not think it will be advisable

advisable to first to give any
Exclusive Jurisdiction to the
Court of Small Causes but
would leave it optional with
Suitors to prosecute their claims
either in the Small Causes Court
or in those of the Zillah or
District, by which means the
relative responsibility of the diff:
different Courts may, before long,
be satisfactorily tested.

5 The position of the
present Court house will
admit of sufficiently com:
modious for the inhabitants
of the Pettah, while it is
centrically situated between
the Pettah, the Cantonments
Mowbray and Ulloor.

6 The Supreme Govern:
ment has already authorized
an Extension of the Jurisdiction

of

of the Royall Cause Court
at the Action of the Commi:
:sioners, but I think that
the Extension of its Juriſdic:
:tion Territorially can be
effected at present at any
rate more advantageously
to the interests of the Comm:
:munity, than by adding to the
value Limit of the Suits Cog:
:nizable by the Court.

7 The Extension of the
Courts Juriſdiction might
very conveniently be carried
out from the 1st Proximo, if
a Notification to that effect
can be previously published
in the Local Prints and else:
:where intended for the in:
:formation of the Public.

As it is not proposed to make,

the

the Jurisdiction of the Court over the Petitioners Exclusion, or in any way to interfere with the optional discretion of Suitors in regard to the Court in which they may desire to file their Suits, I do not consider that it will be necessary to give the Public any lengthened Notice of the proposed Extension of the Courts Territorial Jurisdiction.

I have the honor to be,

Sir,

Your most Obedt Servt

Chas W Saunders

Dist Commissioner.

Enc

Genl. Co. 5281
Judl 194

Section Courts
File No 5-62
Serial No 5

Bangalore 29th April 1864

To

The Judl. Commissioner
in Mysore.

Sir,

The Court. instructed me to state, in reply to your letter No. 382 of the 23 Inst. suggesting the advisability of extending the jurisdiction of the Bangalore Court of Small Causes over the Pettah as well as the Cantonment, that ~~it be stated that~~ it is desirable that ~~some~~ certain ~~steps~~ evidence of the supposed desire on the part of the Pettah people to participate in the benefits of the Small Cause Court should be adduced and

2. That If this wish is clearly established, ~~the Court is of~~ the opinion that the jurisdiction of the Court might certainly be advantageously extended to the Pettah.

3. He does not however consider that it would be ~~advisable~~ equitable to declare the rent to the Court to be due from the Defendant

however useful it might be as a test of the popularity of the Court

in a case might object to its being tried in the Small Cause Court though the Plaintiff wished it, and could not with justice be compelled to answer the claim any more than the Plaintiff could be compelled to refer it.

I have &c.

(Sd)

Reg.

Extension of the jurisdiction of the Bangalore Small Cause Court

1864 No 5281
Jud. 194

To The Judicial Commissioner in Mysore

Dated 29th April
Despd

General No 5281
Jud. 194

In reply to his letter No 332 of the 23rd Instant communicating instructions regarding the extension of the jurisdiction of the Bangalore Court of Small Causes over the Pettah and Cantonment.

No 3 dated 29th 4.

27/4

hostile by the Dt Sup[t] It is of
extraordinary importance to dispose
of the arrears in the first
instance. and independently of the
question whether the detention
of the accused in the Small Cause
Court should include the Pettah
I think this latter Court, if
extended, should commence
with a clear file, and as
there might be some hesi-
tation about it at first, & as
unwilling as to prosecute
claims in it exhibited, I
am averse to making the
state of the Amildars files
dependent on the solution of
this question. I think that
the 1st Jan[y] would be a suitable
date to institute for the detention
of the Pettah of the Small
Cause Court jurisdiction,
and that in the meantime
the claims actually originally
contemplated by the Sup[t]
should be entertained.

I do not wish to
offer any further objection
to the jurisdiction of the
Small Cause Court being
placed on the footing

No 62 1864.

From

The Judicial Commissioner

To The Secretary

Dated 15th July

Despatched 16th July

Received 18th July

Enclosures, No. 1

No. 28

Subject.

Submits copy of Cor-
respondence with Superint[t]
of Amildaroy regarding
the arrears which have
accumulated in the
Bangalore Talook Court
and recommends that
the jurisdiction of the
Small Causes Court
be extended to the Pettah-
Orders.

Cauvery 19 July 64

I consider that having regard
to the very unsatisfactory state
of the Amildars files brought

2nd 4 84. 26. 7. 64

recommended by the Jud. Com.,
but I still think that it
will probably be found
desirable hereafter to make
vesal to it compulsory, both
in the interests of suitors,
and to obviate the anomaly
being exposed by Court
with.

B 20/7/64

No 78 Surveyors Asst Commissioners Office
Bangalore 15th July 1861

Section Govt
File No 5163

From

C. B. Saunders Esqr
Asst Commissioner
in Mysore

To

The Secretary
to the Commissioner
of Mysore

Sir,

I have the honor to
submit for the consideration
and Orders of the Commissioner
the accompanying Copies of
Correspondence which has pass-
ed between the Superintendt
of the Mundidroog Division,
the Deputy Superintendent of
Bangalore, and myself on the
subject of affording some
relief to the Amildar of
Bangalore,

of Bangalore in the Division of
the Courts of Civil Cases both
Original and Miscellaneous of
which now encumber his file,
and to which there has recently
been added a large influx of
New Suits which have been in-
stituted during the present
month in consequence of the
New Limitation Rules being
about to come into operation
from the Commencement of
the ensuing month.

2 The proposal which
was submitted to me by the
Superintendent of the Bangalore
Division, at the instance of
the Deputy Superintendent
of Bangalore, was to the ef-
fect that the Peshcars of
the Bangalore Taluk should
be vested for six months, assisted

by

by some Attorney Commissioner with Civil powers for the purpose of clearing off the heavy arrears of the Black Civil Side.

3 I will be sure that I neglect to recommend the above proposal for confirmation by the Commissioners for the reasons which I detailed in my reply to the Secretin: dent, and because I am certain, from previous experience, how averse the Commissioners are to sanction the employment of Attorneys Establishments except upon the most urgent grounds.

4 I should explain how: ever from the Deputy Secretin: dent's subsequent letter of the 9th July 1864 to the

address of the Superintendent
and from the Cutcherry Officers
further representation, under
date the 13th Instant, that
unless some temporary and
exceptional relief is afforded
him, the greatest difficulty
is likely to be experienced by
the Amildar of the Bangalore
Taluk in reducing the present
arrears of his Civil, and in
disposing promptly and effi-
ciently of his current duties,
I would therefore, as the Su-
perintendent and Deputy Su-
perintendent have expressed
their inability to distribute
the work of the Taluk Court
amongst the other Courts of
the District to any great ex-
tent, as suggested by me, beg
to

to recommend that the Commissioners Sanction may either be recorded to the proposal as originally submitted by Colonel Dobbs, or that the Jurisdiction of the Small Cause Court may, as I have before strongly advocated in my letter No. 332 dated 23rd April 1864, be extended over the Pettah in the manner therein suggested by me.

5 The latter alternation, I consider to be decidedly preferable arrangement and one likely to prove decidedly beneficial and efficacious.

6 In your reply of the 29th April 1864 you stated that the Commissioners were of opinion that the Jurisdiction of the Small Cause Court might certainly

certainly be acknowledged extensively ex-
tended to the Pettah, provided
that certain evidence of the
alleged desire on the part of
the Pettah people to partici-
pate in the benefits of the
Small Cause Court, should
be adduced.

I did not consider that
it would be altogether advis-
able or becoming either for the
Judges of the Court or for
myself to solicit the suffrages
of the inhabitants of the Pettah
to the proposed extension of the
Small Cause Court Jurisdic-
tion, but I believe I was per-
fectly correct in stating that
the Pettah people, or at any
rate the more intelligent and
respectable portion of the
mercantile and general

Community would be highly
desirous of the proposed Extension
sion of the Courts' Jurisdiction,
though there may doubtless be
a few who, though by no means
inimical to the Court or
insensible to the advantages to
be derived from having the
Law administered with promptness
ness and efficiency by Judges
of a superior class in point
of legal training and general
education to the Auditors
of Salvors and other inferior
Judicial Subordinates, are
nevertheless to forego altogether
the right of Appeal.

8 It is partly on this account that I proposed that the Small Causes Court should not have at any rate at first

Exclusive Jurisdiction over
the Wattle, but recommended
that it should be left optional
with Suitors to sue for claims
either in the Small Causes
Court or in those of the Taluk
or District, and suggested that
the relative popularity of the
different Courts might before
very long be satisfactorily tested
by the above measure.

9 — Notwithstanding the
Expression of the Commissioners'
opinion as communicated in
your letter before quoted that
it would not be Equitable to
declare the resort to the Court
to be optional" for the Defendant
"in a case might object to its
"being tried in the Small Cause
"Court though the Plaintiff
invited

"wished and could not with
"Justice be compelled to answer
"the claim any more than the
"Plaintiff could be compelled
"to prefer it" I must confess
with all due deference and
Submission that I do not concur
in the above view, for I consider
that the right to choose the
tribunal before which he may
determine to assert his right
or claim his remedy at Law
ought to vest in the Plaintiff
and not in the Defendant - At
the same time I believe that
the granting of concurrent, if
not co-ordinate Jurisdiction
to the Small Cause Courts
with that possessed by the Dis
trict Courts to be perfectly in
accordance with the Spirit

of

of Provincial Legislatures in
India as more lately & explici-
fied very strongly in the
English discussion which
took place on the passing of
the recent Act No. XXVI for the
Extension of the Small Causes
Courts Jurisdiction from 500
to 1000 Rupees in the Presidency
Towns, and as is also borne out
by the Analogies of the County
Courts Jurisdiction in England
which is not Exclusive but
Concurrent with that of certain
of the Superior Courts of Law
and Equity at Westminister-
10 The Honorable Mr.
Prescott in disposing in the
Provincial Legislative Council
of certain objections proposed
by Mr. Justice Norman to
the Extension of the Jurisdiction

of the Small Cause Court,
made use of the arguments
marginally noted from which
Concession,
it may be
gathered that
no so much
objections can
be raised a-
gainst granting Concurrent
Jurisdiction
to different
Courts, provided that
the interests
of Defendant
are not made
to suffer by
having to
pay unduly
heavy costs
or by being
mulcted to

"It was a point of position advantage,
in the Small Cause Court that its deci-
:cisions on facts were not subject to
review on a mere question of law - Mr:
Kaye however, although some of Mr:
Justice Norman's expressions seemed to
point to a wider divergence of view, the
only real difference between himself
and the Learned Judge was on the ques:
:tion of concurrent Jurisdiction - On this
point he was quite ready to give way
if the feeling of the Council was against
him, but he must beg the Council to
attend to the true issue - This Bill
permitted a Suitor to go freely into
the High Court for claims under Rs.
1,000, and it further permitted him, if
successful, to obtain his costs, if only
the Judge who tried the case would
certify that it was a proper case for
trial in the High Court, in other words,
if the Judge when the trial was over,
would take his pen and write a
dozen words on the back of the record,
which would show that the Plaintiff
had not vexatiously endeavoured to harass
the Defendant by bringing him into the
more expensive Court - Mr. Norman how:
:ever thought that a Plaintiff ought
to bear his costs unconditionally. The

gratify the taste of their Plaintiffs for unnecessary expensive litigation.

11. So useful the above argument to the present discussion, although the Costs or fees of the Small Cause Court may be slightly heavier in the first instance, than those of the Talook Court, though in the result by no means excessive, I differ from the learned Judge who decided the Plaintiff to have his costs when the action was improperly brought, the learned Judge decided he should have them given when the action was improperly brought. That the learned Judge's opinion was nothing less than this, would appear from the breadth of the basis on which he rested it, "The great principle," he said "was that any interference with the right of the subject to choose his own Tribunal is inadmissible". Now, far be it from him (Mr. Justice Innes) to deny the right of the subject to spend any money he pleased upon luxurious forms of litigation, provided only that the money came out of the subjects own pocket, but what he objected to was, that the Defendant should be made to pay for the indulgence of this taste. Unsuccessful Defendants were entitled to consideration no less than successful Plaintiffs. The true principle was one which, he feared, could not be connected with any thing so magnificient as the liberty of the subject, it was that every litigant, though he should be in the right, was bound to enforce his rights Civilly, with reasonable moderation. A Plaintiff

was entitled to know his rights a-
gainst the Defendant who had
wronged him or contracted with
him, but he was only entitled to
have them with the least possible
expense and annoyance and vexation
to the Defendant."

very much
doubt whether
then the
costs of li-
tigation un-
der the

latter system, where appeals
follow upon appeals are not
ultimately greater in most
cases than under the former
or Small Causes Court System.
The difference in the probable
cost of Litigation in the two
descriptions of Courts is under
the above circumstances likely
to be so small that I do not
think it will be at all ne-
cessary to make any provision
for the Judges certifying
whether Cases have been pro-
perly brought into the more
expensive Court for trial as

in the case of the Presidency
High Courts before the Succ-
cessful Suitor can obtain his
Costs.

I have the honor to be
Sir,
Your most Obed.t Servant

Chas Sandys
Ind.l Commissioner

Ed.y

General 545
No — 54

Kundydroog Division
Superintendents Office
Bangalore 29th June 1864.

To

The Asst Commissioner
in Mysore

Sir,

I have the honor to submit for your favorable consideration copy of a letter No 85 of the 17th Instant from the Deputy Superintendent of the Bangalore District recommending that the Paishcars of the Bangalore Taluq be vested for 6 months, assisted by four temporary Goomastas with Civil powers for the purpose of clearing off the heavy arrears, which have accumulated from the causes explained by Captain Campbell.

2. It is highly desirable to clear the files and allow the amildar to start fair instead of bearing the additional burden of the late

*and original Statement

I own Moonsiffs cases, I therefore would respectfully urge the ne-cessity of granting the aid ap-plied for.

I have &c.a

Signed R S Dobbs

Superintendent

No 85 Dy Superintendents Office

Bangalore 17th June 186'

To

The Superintendent Kundydroog Division

Sir,

With reference to the enclosed Statement showing the condition of the Civil Files of the Banga-lore Taluq Court during the past five months, I have the honor to bring to your notice the steady increase of arrears, and that on the 31st May last there remained, undisposed of, 170 Civil Suits and 259 applica-tions for execution of Decrees. I also observed on a recent visit

to the Taluq Cutcherry that the records of the late Town Moonsiffs Court had not been arranged and that from the want of a sufficient number of Goomastas in the Judicial Department the Civil and Criminal Registers and Diaries had not been regularly written up.

I attribute this backward condition of the Judicial work to the fact that the revised Taluq Establishment commenced its labors burdened with arrears of the Town Moonsiffs Court, and with a mass of unassorted records of that Court from which references could be obtained only after repeated and tedious searchings. The change of Amildars also has not been in favor of systematic efforts to overcome difficulties of this kind.

3 To aid in bringing matters into a more satisfactory condition I thought at first that I ought

to recommend the temporary ap-
-pointment of a seperate Judicial
Officer with a small Establish-
-ment. But upon enquiring more
minutely into the manner in which
all the work of the Talug is di-
-vided, between the Amildar and
the 1st and 2nd Paishcars, I find that
the two last named Officials are
well able to do much more work
and to clear off all arrears if
authority be given them under
the superintendence of the Amildar
to dispose, the 1st Paishcar of Civil
Suits, and the 2d Paishcar of dis
-putes in the execution of decrees.
It will be necessary also to ap-
-point 4 Goomastas for 6 months
on 15 Rupees a month.

4. The fact is that it is practi
-cally impossible for the Amildar
in addition to his Revenue, Magis
-terial and Miscellaneous duties, to
conduct in person the investigation
of all Civil Suits and disputes

regarding the execution of Decrees.
The depositions are therefore taken
by the Paishcars and unless the
Amildar is prepared to accept the
responsibility of signing a deci=
sion in accordance with their opin
=ion, the proceedings accumulate
until he has leisure to examine them
or to call up the parties for further
investigation.

5 Both Paishcars are experienced
men, and I am certain that liti
=gants would be well satisfied
to have their cases expeditiously
disposed of by them.

6 I recommend this unusual
grant of powers only as a tem
porary measure and to meet the
present exceptional state of the file

7 I have reason to believe that
if this opportunity of exerting
themselves be given to the Pais
cars and 4 Temporary Goomas=
=tas be entertained, a clear file
and properly arranged records

will be exhibited at the end of the year.

8 It may be remarked that the Head Paishcar has been invested with the powers of a Sub Magistrate of the 2d Class, and that he might therefore relieve the Amildar of much of the Magisterial work of the Talug. I do not think that this arrangement would be an advisable one. The most prominent duties of the Amildar of Bangalore are those of a Magistrate and he must sit daily, as such to hear cases, and direct Police investigations. It would be only embarraping and afford little relief to divide this work with another and if it were handed over entirely to the Paishcar, the Amildar would be no longer the first power in the Talug.

I have &c

(Copy) (Sd) J A Campbell

Statement of Original Civil Suits and Execution of Decrees in the Bangalore Talook for 5 Months from January to May 1864.

	Remained on 31st December 1863	Received						Total	Disposed of						Remaining on 31st May 1864				Remarks.
		January	February	March	April	May	Total		January	February	March	April	May	Total	Bangalore Talook Court	Town Moonsiffs Court	Other Talooks &c	Total	
Original Civil Suits	109	51	48	43	40	63	245	354	45	36	34	31	38	184	166	2	2	170	
Execution of Decrees	195	65	56	55	87	77	340	535	26	60	55	74	61	276	46	189	24	259	

Bangalore
16th June 1864.

(Signed) J A Campbell
Deputy Superintendent
Bangalore District

No 42 Surveyors Asst Genl Staff Office
Bangalore 6th July 1861

To

The Superintendent
of the Hundidroog Dist.

Sir,

I have the honor to ac-
knowledge your letter Genl No 2056
— " — " 57
submitting for my favorable
consideration a copy of a letter
to your address No 85 of the 19th
instant from the Dpty Superin-
tendent of the Bangalore
District recommending that
the Officers of the Bangalore
Station be posted for six months,
assisted by four transport my Govt
Peons, with Civil powers for
the purpose of clearing off the
my arrears which have accumulated
from the causes explained by
Captain Campbell

2 In reply I have the

honor to state that although
I entirely concur with you in
considering it very inadvisable
to allow arrears to accumulate
in any Court, I do not consider
that any sufficient grounds
have been shown to justify the
employment of additional
establishments at a considerable
expense to the Government on
the temporary institution of
the Prisheans with Judicial
powers to aid the Amildar
in carrying out the duties of
his Office, and which are, I
believe, generally admitted
to be very much lighter than
those which formerly devolved
on the Amildar of Bangalore
when the Territorial Juris-
diction of his Talook was
considerably more extensive
than

then it is at present, and when
that Officer is, I believe, en-
charged with the duty of car-
rying out Execution of all the
Decrees passed by the different
Civil Courts located at Bangalore-

3 I have before directed that
the duty of carrying out Exe-
cution of the Decrees of the dif-
ferent Courts shall devolve
upon the Court passing the
Decree, and I have also strictly
prohibited the above duty from
being thrown upon the Amild-
Under these circumstances I
cannot consider that the Amil-
dars for the time being, if they
had worked diligently and sa-
tisfactorily ought even to have
allowed arrears of work to
have accumulated in the way
which has been shown - The
present Amildar's attention

ought at once to be drawn to
the pressing necessity of bringing
down the arrears on his file,
as well of Original Suits as of
the Miscellaneous cases con-
:nected with the Execution of
Decrees.

4 Thus are I understand,
not more than two cases belong-
:ing to the File of the late Town
Provosiff still pending, and
although the Amildar's file
may have been originally some-
:what encumbered by having
the undisposed cases of that
Court upon its abolition trans-
:ferred to the Talook file, I
do not consider that that alone
can fully account for the un-
:satisfactory state in which
it is at present found, inasmuch
as I observe that the number of

has steadily fallen short of the
number instituted in each of
the first first months of the
present Calendar year, the Sta-
tistical Returns of which have
alone been embodied in the
Labour Statement which ac-
companied Captain Crawfords
application -

5 - As the cases which can
alone be instituted in the Labour
Court are comparatively light
and must with but few, if any,
exceptions, be capable of easy
adjudication when they are not
(as is often the case) withdrawn
or adjusted between the parties
by mutual consent, I cannot
consider that the outturn of
work shown in the above State-
ment is by any means satis-
factory while it undoubtedly
affords a strong argument

for the Extinction of the Small Cause Court Jurisdiction to the Pettah.

6 — As it is honourable, evidently desirable that the Dutch should be relieved of a fair proportion of the Civil Suits which now subsequently encumber his file and prevent his discovering of the arrears left to him by his predecessor, I would beg to recommend very strongly that the more recently instituted Suits be at once transferred for final disposal to the files of any of the Assistants — Native or European who are now attached either on Jurisdiction or otherwise, to the Bangalore District. It is believed that several of these Assistants have little or

no work assigned to them to perform either on the ground of their not having yet finished the business for Judicial work or of their being employed in preparing for their passing Examinations - Nor however decidedly of opinion that mere book proficiency and the capability of answering at an Examination written or oral questions satisfactorily, though affording a fair test of an Officers powers of memory and Examinability, are not likely to prepare him for the future discharge of his duties so satisfactorily and thoroughly as the practical experience in the Rules of Law and Procedure and in the practical working of our

Courts

Courts which explanations be
obtained by Arbitrators by
the learning and deciding of
cases and by the consequents
Exercises by them of the powers
of the mind and Judgment

I have the
Hon. C. B. Saunders
Ind. Commissioner

General 873

No. 97

Nundidroog Division

Superintendents Office

Bangalore 3rd July 1864

To

The Judicial Commissioner

in Mysore

Bangalore

Sir,

I have the honor to acknowledge your letter No. 42 of 6th Instant, and to submit a further report from the Deputy Superintendent of the Bangalore District explaining more fully the difficulties connected with clearing off the Civil arrears and the consequent necessity for affording temporary relief of some kind to the Amildar, there is no European Assistant attached to this Division competent to decide a civil suit except Captain Logan, and with the limitted experience he has yet had, and the constant interruptions to Court work which the charge of the Treasury involves, he can dispose of only a very

limitted number of Suits in the month I hope under these circumstances you will not object to recommend the proposed arrangement for the favourable consideration of the Commissioner, unless it is your intention to pro= =pose the immediate extension of the Small Cause Court to the Town of Bangalore which would probably be a more legitimate and desirable measure of relief to the Taluk Court.

I have the honor to be &c

(Signed) R. S. Dobbs

Supt.

No. 114 Deputy Superintendent's Office

Bangalore 9th July 1864

From Captain J. A Campbell

Deputy Superintendent of the

Bangalore District

To The Superintendent of the

Nundidroog Division

Sir,

In continuation of my letter

No

No. 85 of the 16th Ultimo, I have the honor to bring to your notice that as the time for the enforcement of the rules for the limitation of suits approaches, suitors are filing their claims in great numbers.

II On the 30th June there remain-ed undisposed of in the Bangalore Amildar's Court 198 Civil Suits, and 304 applications for execution of decree. Up to the 6th Instant 119 fresh Plaint-Urzees were received and 27 applications for execution.— This is at the rate of 515 per Months of the former and 85 of the latter, and after allowing for rejec-ted plaints, and suits and applications for execution in the mean time dis-posed of, there will probably remain 600 suits and 300 applications for execu-tion in arrears on the 31st of this Month.

III I do not think that more than 50 suits could be transferred to each of the 4 Assistants without unduly taxing them, for the two Native Assistants, although they

have not heavy Civil files, are fully occupied with Criminal Cases and Revenue suits, and in affording occasional assistance in disposing of the current work of the District; and the European Assistants devote their spare time to preparing for examinatio. Captain Logan having also charge of the Treasury and the Jail.

IV I would again beg to bring to notice that the time of an Assistant of Bangalore is absorbed and interrupted in various peculiar ways. Land is being constantly required for building and public purposes and he must inspect, value and report upon it. He receives requisitions for Carriage and dawk bullocks, and as Head of Police and Executive Officer, frequent calls are made upon his attention. His Treasury transactions are comparatively large, the Sayer collections alone being upwards of a lac of rupees.

V I cannot of course describe the miscellaneous duties of the Amildars of Bangalore; but my mind is clear upon the point, that coupled with his regular Civil, Magisterial and Revenue work, they are more than man of average activity and ability can efficiently perform.-

VI I venture therefore to urge that the aid solicited may be accorded to him, or that you may be pleased to recommend the extension of the Jurisdiction of the Small Cause Court to the Pettah.-

I have &c

(Signed) J. A. Campbell

Dy. Supt.

Bangalore District

True Copies

Secretary

Judicial Commissioner

1864. No II 1262
Judl 39.

43

From The Secretary to the Govt

To the Judicial Commissioner
in Mysore

Section	Dated 26 July
File No	Despatched
Sub	Received 63
	Enclosures, No. 1
	General No II 1262
	Judl No. 39

Subject

In reply to letter No 78 of
15th instant, remarks on the
unsatisfactory state of the Amildars
Jails brought to notice by the
Dy Supt. Bangalore District and
discussion on the question of
including the Pettah of Bangalore
with the jurisdiction of the Small
Cause Court. —

Mysore. 26-7-64

Genl. No. 1262
Judl. 39

Ku. C. C.

Bangalore 26th July 186[illegible]

To

The Judl. Commissioner
in Coorg.

Sir

The Canara Records are to state in reply to your letter No. 78 dated the 15th Inst. that, [illegible] satisfactory state of the Amildari files brought to notice by the Dy. Supdt. of the Canara District, he considers the disposal of the arrears in the first instance to be of pecuniary importance, independently of the question whether the jurisdiction of the Small Cause Court should include the Pettah. Such Court, if so extended, should in the Commissioner's opinion commence with a clean file as regards the Pettah, and as it is hopeful that there ought be some hesitation at first and the unwillingness to prosecute claims until established, he is aware towards the state of the Amildari files dependent on the solution of this question. It appears to

Section [illegible]
File No 5
Serial No 1

B 25/7/64

Not. the 1st January 1865 will
the Course be a suitable
date to prescribe for the Ex-
tension to the Petitah of the
Small Cause Court-Jurisdic-
tion, and that in the mean-
while the India Establish-
ment originally contain-
plaid by the Supt. may
be increased

2. The Court does not
wish to offer any further
objection to the jurisdiction
of the Small Cause Court
being placed on the footing
recommended by you, but
he still considers that it
will probably be found
desirable thereafter to make
resort to it compulsory
both in the interests of
Justice, and to obviate the
difficulties being experienced
by Civil Courts.

I have &c.

H
Secy.